

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 -----X
4 UNITED STATES OF AMERICA, :
5 : 17-CR-00173 (MKB)
6 v. : 225 Cadman Plaza East
7 JASON CHRISTOPHER HUGHES, *also* : Brooklyn, New York
8 known as RAYMOND JOHNSON, :
9 Defendant. : December 18, 2017
10 -----X

11 TRANSCRIPT OF CRIMINAL CAUSE FOR GUILTY PLEA
12 BEFORE THE HONORABLE STEVEN M. GOLD
13 UNITED STATES MAGISTRATE JUDGE

14 APPEARANCES:

15 For the Government: MICHAEL T. KEILTY, ESQ.
16 United States Attorney's Office
17 Eastern District of New York
18 271 Cadman Plaza East
19 Brooklyn, New York 11201
20 For the Defendant: AMANDA L. DAVID, ESQ.
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Proceedings recorded by electronic sound recording, transcript
produced by transcription service.

1 (Proceedings began at 10:07 a.m.)

2 COURT CLERK: Criminal cause for a plea hearing,
3 case number 17-CR-173, United States v. Jason Hughes.
4 Counsel, please state your name for the record beginning with
5 the Government.

6 MR. KEILTY: Good morning, Your Honor. Mike Keilty
7 for the United States.

8 MS. DAVID: Good morning, Your Honor. Amanda David
9 on behalf of Mr. Raymond Johnson, charged in the face of
10 Christopher Hughes.

11 THE COURT: Okay. So, your client would prefer to
12 be addressed as Mr. Johnson?

13 MS. DAVID: Yes, Your Honor.

14 THE COURT: All right. Have a seat.

15 Are you Mr. Johnson?

16 THE DEFENDANT: Yes, I am, sir.

17 THE COURT: Do you speak and understand English?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. The first thing I want to
20 address is to ask the Government if appropriate victim
21 notification has been made.

22 MR. KEILTY: It has, Your Honor.

23 THE COURT: Next, I want to make a record of the
24 fact that there was a telephone conference held on Friday?

25 MS. DAVID: Yes, Your Honor.

1 THE COURT: At the Court's instance. Counsel for
2 the defendant waived Mr. Johnson's appearance for that
3 telephone conference. The point of the telephone conference
4 was to review the penalty provision in paragraph 1(c) of the
5 agreement. I'm looking at Government Exhibit 1 and I see that
6 the potential amendment we discussed has been made. Is that
7 accurate?

8 MR. KEILTY: That is accurate, Your Honor. The
9 Government reviewed the supervised release term and it was an
10 error in the original plea agreement, and has rectified that
11 on the agreement provided to the Court.

12 THE COURT: And the date by which the defendant must
13 plead guilty for the additional one-level reduction for
14 acceptance of responsibility on page 3 has been amended as
15 well?

16 MR. KEILTY: That is correct, Your Honor.

17 THE COURT: And is the plea agreement otherwise the
18 same as the one I reviewed in advance of today's proceeding?

19 MR. KEILTY: It is.

20 THE COURT: And that's correct, Ms. David? And your
21 client's executed the new one?

22 MS. DAVID: Yes, Your Honor.

23 THE COURT: Great. Mr. Johnson, the reason you're
24 in my courtroom today is that your lawyer says you want to
25 surrender your right to trial.

1 THE DEFENDANT: Yes. Yes, Your Honor.

2 THE COURT: And plead guilty to Counts 1 and 6 of
3 the indictment pending against you.

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Before I may hear any plea of guilty
6 that you choose to offer, I need to make sure you understand
7 that I'm not the judge who's presiding over your case. The
8 judge presiding over your case is United States District Judge
9 Brodie. Maybe you've appeared before Judge Brodie at an
10 earlier stage of your case.

11 THE DEFENDANT: I have, Your Honor.

12 THE COURT: Judge Brodie is the Judge who's going to
13 decide whether any plea of guilty you offer should be accepted
14 and if it is how your sentence should be calculated. I'm a
15 magistrate judge, not a district judge like Judge Brodie and I
16 don't have the authority under the law to take those steps.

17 If you wish, you have the absolute right to have it
18 be Judge Brodie who listens to your guilty plea. If that's
19 your choice, there will be no prejudice to you. You will be
20 permitted to plead guilty under the same terms and conditions
21 being offered to you now on another date that is convenient to
22 Judge Brodie.

23 In the alternative though, if I have your consent
24 and agreement, I do have the authority to be the judge who
25 listens to your guilty plea. If you agree to proceed before

1 me, I'll arrange for this entire proceeding to be recorded and
2 for a transcript of the recording to be prepared so that Judge
3 Brodie has a complete written record of everything we've said
4 to each other before her Honor is called upon to decide
5 whether to accept your guilty plea, or how to determine your
6 sentence.

7 Do you understand what I've said?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Do you agree to give up your right to
10 have Judge Brodie hear your plea and to present it instead to
11 me?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Are you making this decision voluntarily
14 and of your own free will?

15 THE DEFENDANT: Yes, I am, Your Honor.

16 THE COURT: Have any threats or promises been made
17 to induce you to agree to have me take your plea instead of
18 Judge Brodie?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: Ms. David, I don't want to say anything
21 inappropriate, but I see your client is wearing dark glasses
22 and carry -- and has what appears to be a cane that maybe
23 something that helps him travel and I'm wondering if he's able
24 to read.

25 MS. DAVID: Yes, Your Honor. The glasses actually

1 are prescription glasses and because he has light sensitivity
2 that's why they're shaded.

3 THE COURT: Okay. So he can read?

4 MS. DAVID: Yes.

5 THE COURT: Mr. Johnson, have you viewed the consent
6 form and then determined that you will sign it?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Do you see it here?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: And is that your signature?

11 THE DEFENDANT: Yes, Your Honor, it appears to be.

12 THE COURT: Did anybody force you to sign this?

13 THE DEFENDANT: No, Your Honor.

14 THE COURT: Okay. Ms. David, do you know of any
15 reason why your client should not consent to proceed before me
16 for these purposes?

17 MS. DAVID: No, Your Honor.

18 THE COURT: I find the consent of the defendant
19 knowing and voluntary. Adding my signature and today's date
20 to the form to reflect my finding.

21 Mr. Johnson, before I may recommend to Judge Brodie
22 that Her Honor accept any plea of guilty you choose to offer,
23 I have to ask you a long list of questions. They're important
24 questions. They're designed to make sure you understand what
25 a serious decision it is you're being asked to make. The

1 questions are also designed to protect the prosecution and the
2 Court because the questions and your answers to them will
3 create a record that will show that you acknowledged that you
4 understood what your rights were, that you agreed to surrender
5 those rights, and that you did so voluntarily. Once that
6 record is created, it will be legally valid and permanently
7 binding upon you. So I'm asking you to listen carefully to
8 the questions.

9 If I ask you something and you're not sure you
10 understand what I mean just tell me. I will try to rephrase
11 it and make it clearer. If you want to interrupt me at any
12 point in time because you have a question for me or you'd like
13 the opportunity to speak privately with your attorney just
14 tell me and I will give you the opportunity. Are we clear so
15 far?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: It's so important that you're truthful
18 during this proceeding that I'm going to ask my clerk to place
19 you under oath before we proceed. Please rise and raise your
20 right hand.

21 JASON CHRISTOPHER HUGHES, SWORN

22 THE COURT: You may be seated.

23 Now that you have taken this oath, when you answer
24 my questions you do so subject to the penalties of perjury or
25 making a false statement. Simply put, that means that if you

1 lie during this proceeding, new criminal charges can be
2 brought against you for it. Is that clear?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: State your full name.

5 THE DEFENDANT: Raymond Johnson.

6 THE COURT: How old are you?

7 THE DEFENDANT: Forty-six.

8 THE COURT: How far did you go in school?

9 THE DEFENDANT: Two years of college.

10 THE COURT: Is English your native language?

11 THE DEFENDANT: Yes.

12 THE COURT: Are you having any difficulty hearing or
13 understanding me today?

14 THE DEFENDANT: No.

15 THE COURT: Are you now or have you in recent months
16 been under the care of a doctor --

17 THE DEFENDANT: Yes.

18 THE COURT: -- psychiatrist or other healthcare
19 professional?

20 THE DEFENDANT: A psychiatrist.

21 THE COURT: For what kind of problem?

22 THE DEFENDANT: The diagnosis is major depression
23 with psychotic features and severe post-traumatic stress
24 disorder.

25 THE COURT: And are you receiving medication and

1 therapy for that?

2 THE DEFENDANT: I am, Your Honor.

3 THE COURT: Ms. David, are you familiar with your
4 client's medical regimen?

5 MS. DAVID: Yes, Your Honor.

6 THE COURT: Can you put it on the record?

7 MS. DAVID: Yes, Your Honor. I believe he takes
8 prescription Ativan once -- or twice daily.

9 THE DEFENDANT: Sometimes three times.

10 MS. DAVID: Sometimes three times daily.

11 THE COURT: And is that the sole medication you're
12 taking?

13 THE DEFENDANT: No, I'm also taking Xanax.

14 THE COURT: And does any of that affect your ability
15 to understand and comprehend and -- what I'm saying or remain
16 focused and alert during this proceeding?

17 THE DEFENDANT: It should not interfere.

18 THE COURT: Do you feel clear today?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Are you being seen by a medical
21 professional for any other physical, mental or emotional
22 problems?

23 THE DEFENDANT: I have physical disabilities, but I
24 currently do not have the health insurance to get a -- a
25 doctor to look at them.

1 THE COURT: Are you taking any other medications?

2 THE DEFENDANT: Over-the-counter medications --

3 THE COURT: Such as?

4 THE DEFENDANT: -- for pain. High-dose ibuprofen
5 three times a day to maintain mobility and diphenhydramine for
6 sleep.

7 THE COURT: Okay. Other than those, are you taking
8 any other medications?

9 THE DEFENDANT: No, Your Honor.

10 THE COURT: Other than the medications you've
11 listed, in the last 24 hours, have you taken any narcotics,
12 drugs, medicine, pills or alcohol?

13 THE DEFENDANT: Nothing that I hadn't mentioned
14 previously.

15 THE COURT: Other than what you've already
16 described, have you ever been hospitalized or treated for
17 psychiatric or substance abuse problems, other than what
18 you've already told us?

19 THE DEFENDANT: I have in the past been treated for
20 psychiatric problems.

21 THE COURT: Okay. Are they -- were they different
22 in kind than what you've already described?

23 THE DEFENDANT: No.

24 THE COURT: Is your mind clear today?

25 THE DEFENDANT: It is, Your Honor.

1 THE COURT: Do you understand everything that's gone
2 on here so far?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. Ms. David, have you reviewed
5 the matter of pleading guilty very carefully with your client?

6 MS. DAVID: I have, Your Honor.

7 THE COURT: Does he, in your judgment, understand
8 the rights he'll be waiving if he enters a guilty plea?

9 MS. DAVID: I believe he does.

10 THE COURT: Is he capable of understanding the
11 nature of this proceeding?

12 MS. DAVID: Yes, Your Honor.

13 THE COURT: Do you have doubts about his competence
14 to enter a plea of guilty at this time?

15 MS. DAVID: No, Your Honor.

16 THE COURT: Have you alerted your client to the
17 maximum and minimum sentence and fine that might be imposed
18 and discussed with him the likely operation of the sentencing
19 guidelines in this case as best you can anticipate them?

20 MS. DAVID: I have, Your Honor.

21 THE COURT: Thank you. Mr. Johnson, have you had
22 enough time and opportunity to review your case very carefully
23 with your lawyer?

24 THE DEFENDANT: Yes, I have, Your Honor.

25 THE COURT: Are you satisfied to have Ms. David be

1 the attorney defending you?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Have you reviewed the indictment
4 carefully with Ms. David, that is the written statement of the
5 charges against you?

6 THE DEFENDANT: Yes, I have, Your Honor.

7 THE COURT: The indictment charges you with
8 transmitting various threats to injure someone else, someone
9 identified as Jane Doe and her family on five separate
10 occasions, and a second threat -- and a sixth threat -- excuse
11 me -- to someone known as Jane Doe number two. Have you
12 had -- do you understand what you're accused of in this
13 indictment?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: You have a right to plead not guilty to
16 these charges and to persist in any not guilty plea you've
17 made on any prior occasion. That's your right even if you did
18 the things the indictment describes. It's never lying or
19 misleading the Court to plead not guilty even if you committed
20 the acts of which you stand accused. Every defendant guilty
21 or not has the right to enter a not guilty plea and thereby
22 exercise his constitutional right to a trial. Is that clear
23 to you?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: If you were to plead not guilty or

1 persist in your previously-entered not guilty pleas, then
2 under the Constitution and laws of the United States you would
3 be entitled to a speedy and public trial by a jury with the
4 assistance of your attorney at all stages of the case against
5 you not just your trial, and on all charges pending against
6 you not just the ones that are the subject of your agreement.
7 Is that clear?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: At your trial you would be presumed to
10 be innocent. The prosecution would be required to overcome
11 the presumption of innocence and to prove that you were guilty
12 by competent evidence and beyond a reasonable doubt. You
13 would have no obligation to prove that you were innocent at
14 your trial. If the prosecution failed to prove your guilt
15 beyond a reasonable doubt, the members of the jury would have
16 the duty to return a verdict of not guilty and acquit you. Is
17 that clear?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: That's why juries sometimes find a
20 defendant not guilty even though the members of the jury
21 believe that he probably committed the crimes of which he
22 stands accused. Probably is not enough for a conviction.
23 When a jury acquits a defendant the jurors are not necessarily
24 saying that they believe he is innocent, they are only saying
25 that they are not convinced beyond a reasonable doubt that he

1 is guilty. Do you understand the difference?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: If you proceeded to trial, then during
4 the course of your trial the prosecutor's witnesses would be
5 required to come into the courtroom and to present their
6 testimony against you right in front of you and your attorney.
7 Your attorney would have the right to question the prosecution
8 witnesses on cross-examination, to raise objections to
9 evidence the prosecution attempted to offer against you, and
10 working together with you to offer evidence and arguments in
11 your defense and on your behalf during the trial. You could
12 even issue subpoenas which are like court orders requiring
13 witnesses to attend the proceedings and testify if there were
14 witnesses you wished to call as part of your case. Do you
15 understand?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: At your trial you yourself would have
18 the right to testify as a witness in your own defense if you
19 made the choice to do so, but nobody could make you testify at
20 your trial if you preferred not to. That is because the
21 Constitution of the United States says that no one may be
22 required to say anything self-incriminating.

23 If you decided that you preferred not to be a
24 witness in your own defense at your trial, Judge Brodie would
25 instruct the members of the jury that they could not take that

1 decision into account or hold your silence at your trial
2 against you in any way when they decided what their verdict
3 should be. Is that clear?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: On the other hand if you offer a guilty
6 plea and Judge Brodie accepts it you will as a result be
7 surrendering your constitutional right to a trial and all of
8 the other rights that I have been describing to you today.
9 There will be no further trial of any kind in your case. You
10 will have no right to appeal from the conviction or judgment
11 of guilt that Judge Brodie will enter against you. Judge
12 Brodie will essentially find you guilty based upon what you
13 admit to in my courtroom today and that will free the
14 prosecutor of any responsibility to prove what you did. Is
15 that clear?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: If you proceeded to trial and you were
18 convicted by a jury verdict you would have a right to take an
19 appeal and to ask a higher court to review the legality of all
20 of the proceedings that led up to your conviction. But when
21 you plead guilty you are essentially substituting your own
22 words for a jury's verdict. When you do that you surrender
23 your right to bring an appeal or raise a legal challenge to
24 the conviction or judgment of guilt that is entered against
25 you as a result. Is that clear?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: If you plead guilty, I'm going to have
3 to ask you questions about what you did so that Judge Brodie
4 and I can be satisfied that your plea of guilty is based on
5 things that really happened. You don't have to answer
6 questions about that unless you want to go forward with your
7 guilty pleas. But if you do answer those questions and you
8 admit your involvement in criminal acts you will be
9 surrendering your constitutional right not to incriminate
10 yourself. Do you understand me?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: Do you still want to go forward and
13 surrender your right to trial and the other rights I've been
14 describing?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: I'm told you're making this decision
17 pursuant to a plea agreement. That agreement has been marked
18 as Government Exhibit 1, and my clerk is going to show it to
19 you and your lawyer right now.

20 [Pause in the proceedings.]

21 THE COURT: Do you recognize this document?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Did you sign the final page?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Did you read it before you signed it?

1 THE DEFENDANT: Yes.

2 THE COURT: Did your lawyer tell you what it meant?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: Do you have any questions about it you
5 wanted to ask me or review again with Ms. David?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: It's all clear to you?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Does that agreement contain a full,
10 complete, accurate statement of everything that you and the
11 prosecution have agreed to regarding your case?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Has anybody promised you anything in
14 return for pleading guilty that is not written down in that
15 agreement?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: May I have it back please?

18 [Pause in the proceedings.]

19 THE COURT: The agreement says that you wish to
20 plead guilty to Counts I and VI.

21 Count I charges you with knowingly and intentionally
22 transmitting in interstate and foreign commerce an electronic
23 communication from a specified email address to Jane Doe
24 number one on or about March 20th, 2015 with certain language
25 describing Jane Doe number 1 among other things in the email.

1 Count VI charges you on or about September 19th,
2 2015 with using a different email address and knowingly and
3 intentionally transmitting in interstate and foreign commerce
4 a threat to injure the person -- another person, Jane Doe
5 number 2, and there is some text from that email in Count VI
6 as well.

7 Do you have those charges clear in your mind?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: I need to review with you the penalties
10 you'll be facing if you decide to go forward with a guilty
11 plea.

12 Each of these charges carries a prison term that
13 could be as long as five years and those penalties could be
14 imposed consecutively for a total exposure of ten years of
15 incarceration. Are we clear?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: In addition, each carries a term of
18 supervised release of up to three years for a total exposure
19 of up to six years of supervised release. Are we clear on
20 that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Supervised release is a period of time,
23 it starts to run only when you finish serving any term of
24 imprisonment imposed in your case. When you do finish serving
25 that prison term you'll be released from physical custody in a

1 prison but you won't be completely at liberty because you will
2 be required to follow the rules of supervised release.

3 There are so many of those rules I can't list them
4 for you now. They will include travel restrictions, reporting
5 requirements, requirements that you answer a probation
6 officer's questions carefully and honestly, and a requirement
7 that you commit no new crimes at all. If you break any
8 supervised release rule, you could be arrested and brought
9 back to this courthouse and sent back to prison for up to two
10 years on each of these charges for a total of four years more
11 of incarceration with no credit for the time you spent serving
12 your original sentence or the time you spent with your freedom
13 restricted by the terms of your supervised release.

14 Did you understand all that?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Each charge carries a fine of up to
17 \$250,000 for a total fine exposure of \$500,000. Do you
18 understand?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: If either of these victims suffered any
21 losses, you could be required to make restitution separate and
22 apart from any fine that's imposed. Is that clear?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: And finally a \$100 special assessment
25 will be imposed on each of these charges payable at or about

1 the time of sentencing. Is that clear?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Finally, someone who is not an American
4 citizen could be subject to deportation for committing crimes
5 of this nature. Do you understand me?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Then I want to turn your attention to
8 what we call the Sentencing Commission Guidelines. Judge
9 Brodie will be required to calculate these guidelines and take
10 them into account when she decides what sentence to impose in
11 your case.

12 Have you discussed the guidelines with Ms. David and
13 gotten her advice about how Judge Brodie is likely to
14 calculate the guideline range?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: The prosecutor estimates that Judge
17 Brodie will calculate your guideline range to be 12 to 18
18 months long. I'm sure the prosecutor made the estimate
19 carefully, but you need to know that it is not binding on
20 Judge Brodie. Judge Brodie will make her own calculation of
21 the guideline range.

22 Her Honor won't undertake to do that until after
23 reviewing something we call a pre-sentence report. The report
24 has not yet been written. Once it is, you, your lawyer and
25 the prosecutor will all be permitted to read it. You will

1 then have an opportunity to appear before Judge Brodie and you
2 may tell her at that time if there is anything in the report
3 that you think is inaccurate. Then and only then will
4 Judge Brodie calculate the guideline range.

5 It is possible that Judge Brodie will calculate a
6 guideline range even longer than the 12 to 18 months predicted
7 by the prosecution. Is that clear to you?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Even after Judge Brodie calculates your
10 guideline range, her Honor will look at additional
11 circumstances about your background and your criminal conduct.
12 Moreover, the guideline range will be advisory but not binding
13 on Judge Brodie. So it's possible that Judge Brodie will
14 impose a sentence that is even longer or perhaps shorter than
15 the guideline range her Honor calculates. Do you understand
16 that?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: If Judge Brodie sentences you to prison
19 for 21 months or less, you will have no right to challenge any
20 aspect of your guilty plea, your judgment of conviction, or
21 your sentence. Even if you receive a sentence that is longer
22 than 21 months in prison, you will not be permitted to
23 withdraw your guilty plea or to challenge your conviction on
24 that basis. The only right you would have in that
25 circumstance would be to challenge the length of the sentence

1 that you receive from Judge Brodie. Do you understand that?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: You may have heard of parole. Parole is
4 a program of early release from a prison term. It's a state
5 court program only. You're in federal court. There is no
6 parole in the federal system. You will not be released early
7 from the sentence you receive from Judge Brodie on parole. Do
8 you understand me?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Do you have any questions about the
11 charges against you, the penalties, the guidelines, the rights
12 you're being asked to waive, your plea agreement, or anything
13 else?

14 THE DEFENDANT: No, Your Honor.

15 THE COURT: Is everything I've told you today clear?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Do you continue to feel alert and
18 focused and clear-headed?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Are you ready to enter your pleas?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Ms. David, do you know of any reason why
23 your client should not plead guilty to the two charges pending
24 against him?

25 MS. DAVID: No, Your Honor.

1 THE COURT: Mr. Johnson, with respect to Counts I
2 and VI of the indictment that is pending against you, how do
3 you plead, guilty or not guilty?

4 THE DEFENDANT: Guilty, Your Honor.

5 THE COURT: Do you make these pleas of guilty
6 voluntarily and of your own free will?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Has anyone threatened you or forced you
9 in any way to make these pleas of guilty?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: Other than what is written down in your
12 plea agreement with the prosecutor, the document you looked at
13 before that you signed, has anyone promised you anything in
14 return for your guilty plea?

15 THE DEFENDANT: No, Your Honor.

16 THE COURT: Has anyone promised you what sentence
17 Judge Brodie will impose?

18 THE DEFENDANT: No, Your Honor.

19 THE COURT: Tell me in your own words what did you
20 do that makes you guilty of these crimes.

21 THE DEFENDANT: In March 2015, while suffering from
22 severe mental illness, I knowingly and intentionally sent an
23 email through interstate commerce that contained threats to
24 Jane Doe one. When I sent the email to Jane Doe one I
25 believed she would perceive the content as a threat to injure

1 her.

2 In September of 2015, while suffering from severe
3 mental illness, I knowingly and intentionally sent an email
4 through interstate commerce that contained threats to Jane Doe
5 number two. When I sent the email to Jane Doe number two, I
6 believed that she would perceive the content as a threat to
7 injure her.

8 THE COURT: And in connection with Jane Doe number
9 one, did you use the email address RayJohngplus@mail.com?

10 THE DEFENDANT: I did.

11 THE COURT: In connection with the threat to Jane
12 Doe number two, did you use the email address D-A-S-E-I-N-D-A-
13 W-G @mail.com?

14 THE DEFENDANT: I did.

15 THE COURT: Ms. David, your client's allocution --

16 MS. DAVID: Yes, Your Honor.

17 THE COURT: -- is -- includes the contention that he
18 was suffering from severe mental illness at the time of the --
19 the offense conduct.

20 MS. DAVID: Yes, Your Honor.

21 THE COURT: What has your investigation been of your
22 client's mental -- mental health history and why is a mental
23 health-based defense not appropriately invoked on his behalf?

24 MS. DAVID: Your Honor, Mr. Johnson -- his
25 contention is that while he was suffering from mental illness

1 at the time, he did knowing and intentionally commit these
2 acts, so we're not pursuing an insanity defense. Nor is he
3 saying that he is not responsible because of the mental
4 illness, but that is part of his history and we have gotten
5 his school records and are still talking with his family
6 members and other individuals.

7 THE COURT: So I think you're cutting in and out --

8 MS. DAVID: I'm sorry.

9 THE COURT: -- a little bit. If you can just bring
10 the mic a little closer.

11 MS. DAVID: Sure. And we are speaking with his
12 family members and other individuals in trying to get a more
13 complete social history.

14 THE COURT: So, obviously I'm making a record here.

15 MS. DAVID: Sure.

16 THE COURT: And not trying to be critical of -- of
17 your efforts, Ms. David. But do I understand you to be saying
18 that you and the other lawyers and professionals in your
19 office, to the extent you relied upon them, have reviewed
20 Mr. Johnson's history, have discussed his mental health
21 history with him and are satisfied that given the governing
22 legal standard, an insanity defense is not available to him?

23 MS. DAVID: That's correct, Your Honor.

24 THE COURT: And that he knew what -- that what he
25 was doing was wrong at the time of these acts?

1 MS. DAVID: Yes, Your Honor. That is not a defense
2 in this case.

3 THE COURT: Mr. Johnson, do you dispute what your
4 lawyer has just represented to the Court?

5 THE DEFENDANT: No, Your Honor.

6 THE COURT: Would the Government have me inquire
7 further in this matter or any other?

8 MR. KEILTY: No, Your Honor. Satisfactory, thank
9 you.

10 THE COURT: Based on the information given to me
11 today, I find that the defendant Mr. Johnson indicted under
12 the name Jason Christopher Hughes, also known as Raymond
13 Johnson, is acting voluntarily, fully understands his rights
14 and the consequences of his plea, and that his pleas have a
15 factual basis. I therefore respectfully recommend that Judge
16 Brodie accept the defendant's pleas of guilty to Counts 1 and
17 6 of indictment 17-CR-173.

18 I understand that we do not yet have a sentencing
19 date from Judge Brodie's chambers, and I'll direct the United
20 States to be in touch with those chambers to set a sentence
21 date and to advise defense counsel of it as soon as one is
22 obtained.

23 And I'll tell Mr. Johnson that between now and when
24 that sentence date is, you will be interviewed by a probation
25 officer. The reason for that interview will be to help the

1 officer prepare the pre-sentence report I described to you
2 during the proceedings we just had. And therefore the more
3 candid and cooperative you are during that interview, the more
4 complete and accurate the report for Judge Brodie will be.

5 Is there anything further from the Government?

6 MR. KEILTY: No, Your Honor. Thank you.

7 THE COURT: Bail continued?

8 MR. KEILTY: Yes, Your Honor.

9 THE COURT: Anything further from the defendant?

10 MS. DAVID: No, Your Honor.

11 THE COURT: Thank you everybody. Have a good day.

12 MR. KEILTY: You too, Your Honor.

13 MS. DAVID: You too.

14 (Proceedings concluded at 10:35 a.m.)

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1 I certify that the foregoing is a court transcript from
2 an electronic sound recording of the proceedings in the above-
3 entitled matter.

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7 _____
8 Ruth Ann Hager, C.E.T.**D-641

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10 Dated: January 24, 2018
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